IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 682 of 2007()

IN O.R.NO.126/97 OF EXCISE RANGE, PATHANAPURAM
CP.141/2002 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

PETITIONER:IST ACCUSED:

G.THULASIDHARAN,AGED 47,S/O.GOPALAN,
SNEHALAYAM,NADUTHERI THALAVOOR,PATHANAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENT:

STATE OF KERALA REPRESENTED BY THE
EXCISE INSPECTOR,EXCISE RANGE OFFICE,PATHANAPURAM,
PUNALUR,KOLLAM DISTRICT,THROUGH THE PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.682 of 2007

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.P No.141 of 2002 of Judicial Magistrate of the First Class-III, Punalur in O.R.126 of 1997 of Excise Range, Pathanapuram against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-